

Message

From: HertzWu, Sara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A0400DB95AE4349A64B5E8BABEA2077-HERTZWU, SARA]
Sent: 8/25/2022 8:47:51 PM
To: Barrientos, Brittany A. [brittany.barrientos@stinson.com]
CC: Ellis Johnson, Kristen M. [kristen.johnson@stinson.com]; Weekley, Erin [weekley.erin@epa.gov]
Subject: BCP-Verona Inspection Report

Brittany: Thank you for your email. Regarding the CBI claim for information in the last paragraph on page 9 of the inspection report, we do not believe this fits within the scope of the current CBI claim. It was included in the inspection report as a statement made to the inspector (explaining generally what occurred in the building) and was not claimed as CBI at the time of inspection. Additionally, based on some limited research, it appears that this exact process, although unrelated to BCP's operations, is described in publicly available information. However, we are willing to redact this information until we go through a more formal CBI determination process.

At this time we will treat the employee names as not releasable, subject to a pending CBI/PII (personally identifiable information) determination. We are still evaluating whether we can redact the names as either CBI or PII. Generally, employee names in a business context are not considered to be PII and we would not redact the names. BCP would need to demonstrate the threat to employees' privacy is real rather than speculative for us to withhold the names under the basis of PII/FOIA Exemption 6.

Under CBI/FOIA Exemption 4, a business can claim employee names as CBI. We would treat the names as CBI until a CBI substantiation/determination. Generally, a company must demonstrate that employee names are closely-held or private. Several employees have publicly listed their relation to BCP on LinkedIn. We are looking into how employee names have been treated in similar circumstances. Further, 40 C.F.R. 68.151 (b)(1) does not allow facilities to claim certain RMP registration data as CBI, including the name and title of the person or position with overall responsibility for RMP elements and implementation, and the name, title and telephone number of the emergency contact.

Please let me know if you have any questions. We will continue to work with BCP on these outstanding issues related to the inspection report.

Regards,

Sara Hertz Wu
Senior Counsel
EPA Region VII
11201 Renner Boulevard
Lenexa, Kansas 66219
Phone: (913)551-7316
Email: hertzwu.sara@epa.gov